now proposed to be appointed is not required to adjust telescopes or attend to works of that kind. His duty is only to care for the instruments, to oil and clean them and to attend to minor repairs.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With regard to the mechanic whose qualifications we are not able to gather, we wish to know whether he should be competent to adjust or repair astronomical telescopes?

MR. K. GEORGE (*Chief Secretary to Government*): I was speaking only of small repairs, minor repairs, which have to be attended to by the mechanic.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): With reference to telescopes, will the member give one instance of a minor repair?

MR. K. GEORGE (*Chief Secretary to Government*): Suppose some screw is gone. (*Laughter.*)

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Does not the member think that if an incompetent person is asked to do this work, the costly machine will be spoiled?

MR. K. GEORGE (*Chief Secretary to Government*): Yes, but it would be worse if no body does the work. It is to prevent that that it is proposed to appoint a mechanic. It would not be so difficult as members imagine to get a man who knows the elements of repairs on such a pay. That is all that is required.

PRESIDENT: I take it that the House sanctions the grant?

The grant was made.

LEGISLATION.

THE TRAVANCORE VILLAGE PANCHAYAT COURTS REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The next item of the business is the Final Reading of the Travancore Village Panchayat Courts Regulation Amendment Bill.

Before I make the motion, I want to move a formal amendment to the Bill. It is merely to fill up a blank. I therefore move that the figure '6' be inserted in Clause (1) after the figures 110 so that it may read 1106.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second the motion.

The motion was accepted.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I now beg to move that the Bill be finally passed.

MR. P. N. KRISHNA PILLAI (*Secretary to Government*): I second it.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I oppose the motion that the Bill be finally passed.

It is my privilege to oppose the Bill for the third time. I opposed it at the last time but it was passed by a majority.

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[Mr. A. S. Damodaran Asan.]

This Bill is intended to give sanction, legislative sanction, to the delay caused by the Government in making nominations at the proper time. Section (7) of the Village Panchayat Courts Regulation very clearly lays down that the Government shall appoint Judges of Village Panchayat Courts once in two years. According to this Bill the Judges so appointed may continue to serve as Judges until their successors are appointed.

Sir, when Judges are appointed, Government know that they are to continue only for 2 years; the Judges know that they are to continue only for 2 years and therefore there could be no ambiguity about the term of the Judges. This provision is not intended for meeting any contingency which might happen without any previous knowledge, like death. but it says that the man who has been appointed may continue till his successor is appointed. In other words, if a successor is not appointed for two years more the Judge who is originally appointed may continue as Judge of the Village Panchayat Court in spite of the fact that the Government have failed in their duty to act according to the provisions of Section 7 of the Regulation.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*): Even if this amendment is not passed, is there anything prohibiting Government from reappointing the same person as Judge for another term of three years.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Absolutely no difficulty in the way of the Government reappointing the same man. On the other hand, Government are quite at liberty to reappoint the same person. If they find that one Judge is earnest in his work, they could very well reappoint him. But when they are not prepared to remove him, he has to continue according to the provisions of this Bill as a Judge of the Village Panchayat Court. What I want to urge on the attention of the Government and the members of this House is that this is quite a simple matter in the administration and that there could not be any difficulty about it. It is not a matter where the Government had not the time to know of the fact sufficiently early. Therefore why should we the members of the Legislative Council give our approval to a Bill which indirectly admits that some delay is indispensable.

Sir, some of these arguments have been advanced by me on previous occasions, but unfortunately, I was not able to get a majority in support of my motion opposing the Bill. For the third time now, I oppose the final reading of this Bill and pray that the motion of the learned Law Member be rejected.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I was strongly opposed to the Bill even in its earlier stages. I have now an additional reason which strengthens me in my opposition to the Bill. The Secretariat has now been reorganised and has been strengthened by the

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appointment of more Secretaries. The Government should be expected, therefore, to be able to cope with this kind of work, instead of asking for facilities for putting it off and doing it whenever they find it convenient. They ought to be in a much better position now to attend to this duty promptly. On this additional ground also I believe this Bill seems to be unnecessary. Therefore I agree with Mr. Damodaran Asan in opposing the Bill.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I also support the proposition and I wish to add a few words to what Mr. Damodaran Asan has said.

Sir, impartially looking at the matter any functioning Government ought to be ashamed to bring such a matter to the Legislative Council and seek its permission to pass it into Law. If this Bill is sanctioned it would mean that this House gives its sign of approval to an irregularity in the matter of appointments of Judges of the Village Panchayat Courts.

MR. K. GEORGE (*Chief Secretary to Government*): May I ask whether he is aware that there is a similar provision in the Municipal Regulation?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): If a Municipal Regulation containing such a clause has been passed by this House composed of some other members, that should not strengthen the argument of my friend that the members of this House should support such a foolish clause.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Was the Municipal Regulation passed in a Council with an elected majority?

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I am not aware of the progress of the Municipal Regulation because I was not a member of the Council which passed it and no question about it will elicit any definite answers from me.

I was side-tracked, Sir. The question before the House, put in short, is when the Government find themselves unable to cope with their work and thereby delay the appointment of a Judge, they allow the Judge whose period has expired and who has superannuated to continue in the place, until another man is appointed.

We are tempted to ask whether the Travancore Government machinery is properly functioning and if so what is the meaning of the Bill that is presented before the House now? What is the difficulty that confronts the Administrative Head to fill up a single vacancy which may arise once in three years. (Mr. Piraviperumal Pillai: Two years.) It may be two years or three years or periodical. For that purpose should an amending Bill be introduced in this House and the valuable time of the House be lost? Sir, it has become a notable feature of the Travanaore Government recently not only with reference to the vacancies in the Village Panchayat Courts and Bench Magistrate's Courts but with reference to the vacancies that occur in every branch of the administration from the High Court to downwards that in the

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[Mr. K. P. Nilakanta Pillai.]

matter of appointments the Government do not seem to know what to do. They turn this side and that and commit all sorts of acrobatic performances and then finally it becomes a matter for surprise so far as the public are concerned. That has become the order of the day. What the present amending Bill seeks to do is to commit the members of the Council to saying:"All right, Government are inefficient and to the extent of the inefficiency that you can command you are allowed to be so and we permit you to make the appointment whenever you choose to do so and allow the man in the office to continue for as long a time as the Government may take to fill up the vacancy and appoint a new man". That is the meaning of the demand that has been made now before the House. It is rather surprising that the Government should require our sanction for this purpose and we cannot allow it to be passed without a word of opposition.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Sir, it was not my intention to speak on this motion, but my friend Mr. Nilakanta Pillai has now questioned the reasonableness of those members who opposed him. I am sorry I do not know what reason he had for saying so. After all, from what has been said I am reminded of the story in the Aesope's Fables and that we are fighting more for shadow than for the substance. I am reminded of the Arab, the Donkey and the Merchant in the story. What is the substance here? All of us want that our constituencies should not be without Judges. It is with that purpose, if I remember correct, this amending Bill is tabled. It is not the question of censuring Government and if that is so this is not the tool nor the time for remedying it. If this amending Bill is not passed the result would be that our constituencies will be without Judges for the Village Panchayat Court.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does he mean to take it that the Government are prompt as regards these appointments?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) ; That is not the point that I am discussing.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : What is the necessity for this amending Bill? That is my simple question.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : The necessity is, there should not be a court without a Judge.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) : May I know how many Judges generally constitute the Village Panchayat Court?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : That is not relevant to the issue now before the House.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*) It is relevant.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : I rule the member out of order. (*Laughter.*)

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli* : Does he suggest that officers even after their pensionable age should be retained till a successor is appointed?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : That does not arise here. (*Laughter.*)

Sir, all these things were discussed threadbare.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : If the Government are prompt there would be no vacancy at all.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Then what is the necessity for this? We are fighting for shadows. All that we have to see to is that our constituencies should not suffer for want of Judges in the Village Panchayat Court.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : Our constituencies will not suffer if the Government are prompt in appointing men at the proper time.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : If Government do not appoint persons at the proper time there are other remedies. All that we want is that our constituencies should not suffer whether Government are delaying matters or not.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : May I know whether the member by supporting this provision does not encourage Government to be lax.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : I do not quite follow the member.

MR. R. KESAVA PILLAI (*Kottarakara* cum *Kunnattur*) : May I know whether he is for encouraging Government in being very lax in the matter of making appointments?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : The member is at liberty to make any inference he pleases. But that is not what I meant.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : Will not the constituencies suffer if a superannuated man is allowed to continue instead of making a fresh appointment?

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : After all, it is only an honorary post. All that we want to see is, as I said, that our constituencies should not suffer for want of Judges. Therefore I strongly oppose the opposition raised to the Bill with all the force that I can command.

MR. R. RAMAN PILLAI (*Kottayam*): സർ, മി. ദാമോദരനാശാന്റെ അഭിപ്രായത്തോട് ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു. ഒരു ജഡ്ജിയുടെ കാലാവധി തീരുകയും പകരം ഒരാളിനെ നിയമിക്കാതെയിരിക്കുകയും ചെയ്യുന്നപക്ഷം ആ കോടതി വെറുതെ ആയിത്തീരുകയാണെന്നാണ് ഒരു മാന്യസ്നേഹിതൻ ഇവിടെ പറയുകയുണ്ടായത്. അങ്ങനെ ആറൊ ജഡ്ജിമാരുള്ള ഒരു കോടതിയിൽ ഒരുമാസത്തേയ്ക്കു ഒരു ജഡ്ജിയില്ലാതെയിരിക്കുന്നതുകൊണ്ടു യാതൊരുദോഷവും വരാനില്ല. ഗവണ്മെൻറിന്

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[Mr. R. Raman Pillai.]

ഇഷ്ടമുള്ളകാലത്തോളം ഒരാളിനെ മാറാതെയിരിക്കത്തക്കവണ്ണമുള്ള ഒരധികാരം ഗവണ്മെൻറിൽ നിക്ഷേപിക്കാനാണ് ഈ വകുപ്പു എന്നാണ് എൻറെ ബോദ്ധ്യം. മുനിസിപ്പൽ റഗുലേഷനിൽ ഇതുപോലെ ഒരു വകുപ്പുള്ളതായിട്ടറിയാമോ എന്ന് പണ്ഡിതനായ ചീഫ്സെക്രട്ടറി അവർകൾ ചോദിക്കുകയുണ്ടായി. കോട്ടയം മുനിസിപ്പാലിറ്റിയിൽ ഒരു മെമ്പറെ തിരഞ്ഞെടുത്തിട്ട് ഒരു കൊല്ലമായി. ഏലക്ഷൻകേസ്കൊടുത്തിട്ടും പോയ്ക്കാരുടെ കയ്യിൽ കിടക്കയാണ്. ഇന്നും പഴയമെംബർതന്നെ ആ സ്ഥാനത്തു് ഇരിക്കുന്നുണ്ടു്. ഈ സംഗതി ഹജൂരിൽ ഏതുനിലയിൽ കിടക്കുന്നുഎന്നു ഞാൻ ചോദ്യവും അയച്ചിട്ടുണ്ടു്. ഇതുവരേയും മറുപടി കിട്ടിയിട്ടില്ല. മുനിസിപ്പൽ റഗുലേഷനിലും ഇതുപോലെ ഒരു വകുപ്പുകിടക്കുന്നതിൻെറ ഫലമാണ് ഇതു്. അതുകൊണ്ടു ഇങ്ങനെ ഒരധികാരം ഗവണ്മെൻറു് വച്ചുകൊണ്ടിരിക്കാൻ പാടില്ല എന്ന അഭിപ്രായത്തോടുകൂടി ഞാൻ മി. ആശാൻെറ അഭിപ്രായത്തെ പൂർണ്ണമായി അനുകൂലിക്കുന്നു.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Sir, as one who supported the Bill in all its stages I think it is due to me to say a few words. The principle of the Bill was affirmed by a majority of this House. It came in for second reading once again before the House. The very same opposition was raised by my friend and on both occasions my friend was not able to enlist the sympathy of the majority of the House to his opposition. He is perfectly within his rights in raising his opposition once again at the third reading of the Bill and I may compliment him on his courage and perseverance even when his attempts had been unsuccessful on the last two occasions. What we are now concerned with is not whether the Government are doing their duty properly, whether this House is giving a *carte blanche* to the Government to neglect their duty. I am sorry that that aspect of the question has been introduced in connection with this measure which after all is purely a legislative enactment.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): When there is an obligation under a law to do a certain thing and when that is ignored and when it is condoned, is it likely that the officer entrusted with that duty will do it?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): We are not living in an age when human nature is absolutely perfect. In spite of all our idealism let us take notice of the fact that human institutions and Governments and individuals have got their own defects and so long as human nature continues to be defective it is the duty of the legislature to make ample provision against any serious miscarriage of justice or failure of public interest so far as it is possible by a preventive measure.

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MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know what stands in the way of a Government officer doing his duties at the proper time?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Absolutely nothing except that the machinery of the Government is a complicated machinery and is naturally prone to move very slowly. Why should we ignore the realities of life? After all, as I submitted on an earlier occasion—

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is not legislation meant for remedying latches of mankind?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): If individuals realise their responsibilities legislation would be unnecessary and there will be no necessity for courts of law.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Here it is not a question of individuals but the question of law and Government.

MR. R. RAMAN PILLAI (*Kottayam*): റസ്പാൺസിബിലിറ്റിയെ ഉപയോഗിക്കാതേയിരിക്കത്തക്ക നിലയിൽ ആക്കി വച്ചിരിക്കുന്നതു് നല്ലതാണെന്നാണോ മി. കൃഷ്ണയ്യങ്കാർ പറയുന്നതു്?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Certainly, it is a consummation devoutly to be wished that things are done in time. But as a matter of fact things are not done in time. That is what we find everywhere. And so long as we find it to be so everywhere in ourselves and in others around us, what is the real danger to public interest in this innocuous provision?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is there a corresponding provision in the Madras Act?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Could we not improve upon the state of things there?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is this an improvement?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I honestly think so.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): Can we improve upon Parliamentary Procedure?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Things have not so completely settled that we should adopt it *en masse* without any alteration. After all these statutes are devised by human intellects and they are much better developed there than some of us here. But it is not beyond our intellectual resources occasionally at any rate to come across cases where we honestly believe we can improve upon the statute law of British India or of England. Let me just proceed. We should not in dealing with this piece of legislation stress the fact that there has been what is popularly considered to be unconscionable delay in filling up certain appointments. It

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[Rao Bahadur K. A. Krishna Aiyangar.]

is a matter of high State policy into which I do not propose to enter at all. My friend Mr. George drew the attention of Mr. Nilakanta Pillai to a similar provision in the Municipal Regulation.

MR. R. RAMAN PILLAI (*Kottayam*): അതുകൊണ്ടു വന്നിരിക്കുന്ന ആപത്തിനെപ്പറ്റി ഞാൻ പറഞ്ഞതും കേട്ടിരിക്കുമല്ലോ?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I prefectly remember Mr. Raman Pillai's observations and I shall make a passing reference to it.

Mr. Nilakanta Pillai said that it is a foolish piece of legislation. I must plead guilty for having contributed to the folly myself because I was a member of the Legislative Council and Select Committee that shaped it. For ten years I was also a Municipal President at Alleppey and practically working that measure and from my experience I think that some such safeguards ought to be provided. There was greater justification, I may say, so far as the municipal affairs are concerned. The right of election was conferred on all these institutions in Travancore. All the members were elected simultaneously and all their names were published simultaneously and all of them took their seats simultaneously and on the expiry of three years all of them should vacate. Who is to run the show? That is the difficulty we felt. Public interest ought not to be allowed to suffer because there is some delay on the part of the executive in settling the details to make the necessary adjustments. The elections had to be held, objections heard and disposed of, the right of appeal would be exercised, all that will take some time. In the meantime is the Council to be suspended?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): No difficulty will arise in this case. There is no election or the right of appeal here.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I think Mr. Nilakanta Pillai will concede that after all it is not such a foolish piece of legislation to which some of us gave our blessing years ago. The Municipality should not be kept as I said under suspended animation, somebody should be there to carry out the provisions of the Regulation in the interest of public health, sanitation, etc.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): What I meant was that if a similar provision happened to be found in some Regulation that according to me is foolish and that there is no necessity to follow it.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Quite so. Of course, reference was made to the existence of the provision in the Municipal Regulation which enabled the Council to continue its activities as a local self-governing body until the formalities laid down by law are carried out. There may be some instances where things are not done quickly. It is due to the circumstances in which particular institutions are working. Only let us not ignore

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the fact that difficulties may arise with the best of intentions on the part of the responsible public servants. Occasions may arise when there may be delay. My friend asks, is it not a case where Government could have contemplated and made necessary provision in advance. No doubt, I wish the Government to do it much in advance of the vacancies but occasions do arise when without any blame on the part of any particular individual when this could not be done. And in the interests of the public and not for the purpose of preserving the reputation of responsible officers of Government who may be entrusted with the task of the administration for the time being, nothing is lost by this provision being put in which avoids a serious situation when these autonomous institutions cease to function. I can think of a time when all our local Self-Government institutions will have been filled up by members elected from the people. That certainly is the ideal towards which all of us are working. Elections will necessarily take place simultaneously. There may be interim elections when a particular member resigns or dies or is adjudicated insolvent. But generally speaking there may be cases when all the members automatically vacate their seats. Then what is the remedy? The question may be asked how do they run in British India. My answer is that they do not satisfactorily run the show and they face difficulties and when you are actually experiencing such difficulties I do not know what objection could there be to this provision. It is not an attempt to condone the fault of any particular individual it is not an attempt to give license to Government to neglect their duty. There may have been instances of delay due to causes not open to the public. There may have been instances where greater expedition was possible but that ought not in any way influence our consideration in dealing with this particularly innocuous measure and for all the reasons that have been urged against Mr. Asan on the two earlier occasions I trust the House is not going to stultify itself by rejecting this measure at this stage. I concede that Mr. Asan has a right to object to the measure on all the occasions, but while appreciating his courage and persistence I appeal to my friends as a whole that they should not in the fair name of this House throw out this piece of Legislation merely because there have been some instances where there has been delay. Mr. Raman Pillai said that there was one case where the election enquiry took a little over two years. I am so sorry for it, and he has my sympathy but that could not be cured by putting in another provision in the Municipal Regulation which would make matters worse than it is at present. Now you have got a statutory strength to run the Municipality. Otherwise if we accept the other provision it means that institutions will cease to function. I ask my friend to look at that side of the picture and I leave it to him to say whether if after all the object is to invite the attention of the Government to the delay, this discussion will not serve the purpose. With these observations I support Mr. Kayalam Paramesvaran Pillai's motion and oppose the objection raised by Mr. Damodaran Asan.

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MR. P. S. MAHOMED (*Nominated*) : ഇവിടെ നടന്നതായ വാദപ്രതിവാദത്തിൽനിന്നും രണ്ടുസംഗതികളാണു ഗ്രഹിക്കാൻ സാധിക്കുന്നതു്. ഒന്നു പൊതുജനരക്ഷ, മറെറാന്നു ഗവണ്മെൻറു മെഷീനറിക്കു പറ്റുന്ന ചിലതട്ടു്. ഈ ബില്ലുകൊണ്ടു് ഗവണ്മെൻറു കൂടുതൽ അലസന്മാരായിത്തീരുമെന്നോ അതുകൊണ്ടു അവർ ചെയ്യേണ്ടപ്രവൃത്തി തക്കസമയത്തുപ്രവൃത്തിക്കയില്ലാ എന്നോ ഉള്ള ശങ്കയാലാണു മിസ്റ്റർ അശാൻ ഇതിനെപ്പററി എതുത്തു പറഞ്ഞതു്. ഈ ബിൽ അനുവദിയ്ക്കാതിരിക്കുന്നതുകൊണ്ടു ഗവണ്മെൻറിനെ കൂടുതൽ ചുറുചുറുക്കുള്ളതാക്കിത്തീർക്കാമെന്നു തോന്നുന്നില്ല. നേരെമറിച്ചു പൊതുജനരക്ഷയുടെ വില്ലേജ് പഞ്ചായത്തു് റഗുലേഷനിൽ ഇങ്ങിനെ ഒരു പ്രൊവിഷൻ ഇല്ലെങ്കിൽ മിക്കവാറും കോടതികളിൽ ജഡ്ജിമാരുടെ കോറം തികയാതെ അവർ നടത്തേണ്ട സംഗതികൾവേണ്ടവിധത്തിൽ നടത്തുന്നതിനു നിവർത്തിയില്ലാതായിത്തീരുന്നതാണു്. ഈ ജഡ്ജിമാരെ ആദ്യം പഞ്ചായത്തുകോടതി ഉണ്ടായാലുടനെത്തന്നെ എല്ലാവരേയും ഒരേസമയത്തു് നിയമിച്ചതാണു്. അതിനുശേഷം ചിലർ രാജിവച്ചും മറു ചിലർ മരിച്ചും ആണു് ഈ ഒഴിവുകാം ഉണ്ടാകുന്നതു്. അതിനു് ഓരോനിയമനവും ഉണ്ടാകും. ഭൂരിപക്ഷം ജഡ്ജിമാരുടേയും കാലാവധി തീരുന്നതു് മിക്കവാറും ഒരേ സമയത്താണു്. ആ അവസരത്തിൽ ഇങ്ങനെ ഒരു പ്രൊവിഷൻ ഇല്ലാതെവരുന്നു എങ്കിൽ തക്കസമയത്തു ജഡ്ജിമാരെ നിയമിക്കാതെയിരിക്കുന്നതു് നിമിത്തം സാധുക്കളായ പൊതുജനങ്ങാം വളരെ സങ്കടപ്പെടുന്നതാണു്. അങ്ങനെ അവക്കു സങ്കടം ഉണ്ടാകാതിരിക്കുന്നതിനു വേണ്ടി ഈ സ്ഥാനത്തെസുരക്ഷിതമാക്കുകയാണു നാംചെയ്യേണ്ടതു്. അല്ലാതെ ഗവണ്മെൻറിനെകുറെക്കൂടി ചുറുചുറുക്കുള്ളതാക്കുന്നതിനു് ജനങ്ങളുടെ രക്ഷയെ മറന്നുകളയുന്നതു ശരിയല്ല. ഗവണ്മെൻറിനെ പ്രോത്സാഹിപ്പിച്ചു് കൂടുതൽ ഉത്സാഹഭരിതരാക്കിക്കൂടുതൽ കൃത്യബോധവും ശ്രദ്ധയും ഉള്ളവരാക്കിത്തീർക്കുകയാണു നാം ചെയ്യേണ്ടതു്. അങ്ങനെ അവരെക്കൊണ്ടു പ്രവൃത്തിപ്പിക്കയല്ലാതെ പൊതുജനങ്ങൾക്കു ദുഷ്യംവരുത്തുകനിലയിൽ പ്രവൃത്തിക്കാൻ പാടില്ല.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*) : ഈ ചുരുങ്ങിയ കാലത്തിനിടക്കു് നിയമനം നടത്തുമെന്നു് വിശ്വസിക്കുന്നതു് എങ്ങിനെയാണു്?

MR. P. S. MAHOMED (*Nominated*) : തക്കസമയത്തു് നിയമനം നടത്താതിരിക്കുന്ന എങ്കിൽ അവരുടെ പേരിൽ നമുക്കുസെൻഷർചെയ്യാൻ

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സാധിക്കും. അങ്ങിനെയുള്ള ഉദ്യോഗസ്ഥന്മാരെ നിയമിക്കാൻ തന്നെ പാടില്ല. അതു ഗവണ്മെൻറു ഉദ്യോഗസ്ഥന്മാരെ സംബന്ധിച്ചാണ്. എന്നാൽ പൊതുജനങ്ങളുടെ രക്ഷയ്ക്ക് ബാധകമായ യാതൊരു സംഗതിയും ചെയ്യാൻ പാടില്ല. അതുകൊണ്ടു ഈ ബില്ലിനെ ഞാൻ തന്നെ ക്ലിക്കുന്നു.

MR. A. G. MENON (*Parur*): I was one of those who supported the Bill at the initial stage and I am supporting it still for this reason that all the criticisms levelled by my friends are only a reflection of that opinion which is prevalent among us all viz., the scandalous delay in filling up the responsible posts that has been observed in recent times. (Mr. K. P. Nilakanta Pillai: Hear, hear.) That has nothing to do with this Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What is the object of this Bill?

MR. A. G. MENON (*Parur*): The public should not suffer for the fault of any individual whether he is official or otherwise.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): May I know whether he is supporting the Bill or the opposition?

MR. A. G. MENON (*Parur*): I am supporting the Bill as it is and not the opposition. Of course, some people said that the Municipal Regulation has got a provision and that is not a good Regulation. All the members here will grant that the Municipal legislation is one of the foremost legislation in point of perfectness everywhere in this world. I do not think that any Act concerning Municipalities will be found without a clause similar to this. Mr. Asan suggested that there is no provision in the Village Panchayat Courts Regulation in British India.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does not the absence of a provision like this make the Government more vigilent.

MR. A. G. MENON (*Parur*): Government may be at times indifferent to the welfare of the public, but the public themselves should not be indifferent to their welfare. With these observations I support Mr. Parameswaran Pillai's motion.

MR. K. GEORGE (*Chief Secretary to Government*): It has been mentioned in this House that the object of bringing an amendment of this nature is to give a free hand to Government to postpone filling up of vacancies of Judges and Magistrates in the Village Panchayat and Bench Magistrates' Courts. The motion is not that; it is not the idea of Government to postpone filling up of vacancies. As has been explained by certain members on the other side, if a vacancy of a judgeship in a court is not filled, the public should not be put to any difficulty on that core. Notwithstanding all that has been said here, in the working of any human institution, there is likely to be some jarring, some time or other. It is always the intention and the effort of Government to fill up vacancies that occur in Panchayat Courts promptly. There are extraordinary occasions when it is not possible for Government to

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[Mr. K. George.]

make the appointments in time. The object of the amendment now proposed is, that courts should not suffer in functioning and public interests should not be jeopardized, owing to the non-appointment of judges.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): May I know from the Chief Secretary to Government whether it is the intention of the Government to give extension to persons who have passed 55 where a successor could be appointed?

MR. K. GEORGE (*Chief Secretary to Government*): I do not see how Mr. Asan's question has to do with the matter under discussion.

I am speaking of the difficulties, which the public will be put to, if a court does not properly function. There are certain instances in which the delay is not on the part of Government. There are occasions when Government have taken timely measures for appointing suitable persons. I only say it has not been *always* possible to fill up vacancies at the proper time on account of certain difficulties.

The procedure that is now followed in the matter of filling up of vacancies of Bench Magistrates and Judges, is this. A month or two before the expiry of the term, that is before the vacancy occurs, Government ask the District Magistrate to send up recommendations regarding nominations.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): ഡിസ്ട്രിക്ട് മജിസ്ട്രേട്ടിന്റെ പക്കൽ ഇവരുടെ കാലാവധി എന്നു തീരുന്നു എന്നുള്ളതിനു വല്ല നിക്കാർഡുമുണ്ടോ?

MR. K. GEORGE (*Chief Secretary to Government*): Oh, Yes. There is the Civil List which gives the list of Magistrates and the date of termination of the vacancies. Besides that, Government request the District Magistrates in advance to send up nominations.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I know whether the Government could not save time, by asking Peishkars to ask the Tahsildars to make nominations themselves instead of delegating it to the Proverthicars?

MR. K. GEORGE (*Chief Secretary to Government*): There is a circular from Government that nominations should be made by the Peishkar personally. I do not know whether that duty goes down to the Proverthikar.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Suppose my friend takes it from me as the correct information, will the Government ask the Tahsildar to make recommendations himself, instead of getting the opinion of the Proverthikar? I presume that the Tahsildar is conversant with important personalities in the taluk.

MR. K. GEORGE (*Chief Secretary to Government*): He must be. If the Tahsildar sends it down to the Proverthikar, it is against the intentions of the Government. Government have expressly required the District Magistrates that nominations should be made by themselves. Of course they are expected to do their duty properly and

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perhaps, it may be, as the Deputy President now says, they may be getting the lists from the Proverthikars in the first instance. But that is not the intention of the Government. However, Government will bring it to the notice of the District Magistrates and ask them to follow Government's suggestion.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): ഡിസ്ട്രിക്ട് മജിസ്ട്രേട്ടിന്റെ പക്കൽനിന്നും എഴുതിവന്നിട്ടാണോ ഗവണ്മെന്റു ഈ കാര്യത്തിൽ പ്രവേശിക്കുന്നതു?

MR. K. GEORGE (*Chief Secretary to Government*): No. Government take sufficiently early steps to apprise the District Magistrates of the approaching vacancies and call for the nominations for the same.

MR. REVATI NAL RAMAVARMA RAJA (*Edavagai*): ഗവണ്മെന്റിനു അതെങ്ങിനെ മനസ്സിലാകും?

MR. K. GEORGE (*Chief Secretary to Government*): They have got the Civil List before them and full details can be had from it.

MR. REVATI NAL RAMA VARMA RAJA (*Edavagai*): സിവിൽ ലിസ്റ്റ് നോക്കി ഉടനെ ഗവണ്മെന്റു നടപടി നടത്തുകയാണോ, അതല്ല ഡിസ്ട്രിക്ട് മജിസ്ട്രേട്ട് എഴുതി അയച്ചശേഷം ഗവണ്മെന്റു നടപടി നടത്തുകയാണോ?

MR. K. GEORGE (*Chief Secretary to Government*): No, that is not so. Sometimes it occurs like that. The initiative is taken by Government and they do it sufficiently early. Government want the District Magistrates to personally certify about the character, antecedent, education, social position and all that, of the nominees they recommend. Sometimes, difficulty happens in selecting proper men, and there have been occasions in which representations and petitions have come to Government just at the time of the nominations. So that, difficulties sometimes occur, and to avoid the courts to function properly, an amendment of this kind is brought forward.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, on two previous occasions the mover of this Bill had occasion to explain the real necessity for this measure. It seems however to be taken by the other side, that it is with a view to give premium to delays in the matter of appointments, that this measure is introduced. Let me try to explain once again the real object of the measure. By the introduction of this amendment, what is sought to be achieved is that no Courts should cease to function though no Judge is appointed at the proper time. Sometimes by mischance or accident it may not be possible for Government to fill up vacancies at the nick of time. To avoid such contingencies this measure is introduced.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): May I know what is the nature of mischance that is anticipated?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall explain. If it so happens that appointments are not made in time, a court could not work without judges; administration of justice will suffer thereby. It is to avoid such a state of things that I have proposed this measure. Various questions have been asked; members say that Government could easily know when such a vacancy would arise, and, as Government know the fact of the vacancy, why should they delay in the matter of appointing a substitute. That is quite true. But it will be conceded by everybody, that because a vacancy is to come at a particular date, Government cannot think of appointing a substitute *very early* very long before the vacancy occurs. For example if a vacancy is to come in Chingom 1101 Government cannot think of appointing a substitute in 1099 or even in 1100. There must be only some short time within which Government can and should think of appointing a successor, having regard to the eligibility and respectability and other qualifications of the candidate to be chosen. These things have to be considered with particular reference to the time when vacancies occur that is, with reference to the present and not with reference to the past. So even though Government may know that appointment is to be made at a particular date they cannot be expected to think of nominating a substitute very long before. Government should ascertain the respectability, at or about the particular time. What the Government now do is to take up the question about two months before a particular vacancy occurs. I hope the House will now appreciate that sometimes it may happen that it may not be possible for the Government to effect an appointment in time. As Mr. George said it is the Peishkars who have to make nominations. About two months before the expiry of the period the question of appointing a successor is taken up by Government. When the Peishkar sends up his recommendation, that will have to be scrutinised and sometimes has to be sent back for a re-enquiry. Can it not be conceded then that sometimes it may not be found possible to settle the question finally within the expected two months. The respectability of persons has to be enquired into ...

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): If respectability is such a fluctuating factor, will not the same difficulty arise, in regard to the existing Judge when nominations take place after two years?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have provided for that. The proposed clause says. "Unless Government otherwise direct" there is a provision like that and Government are not bound to continue the existing Judge; I do not however mean to say that respectability is a fluctuating factor. What I mean is that it is with reference to a particular time the most suitable man has to be selected for the post, and that selection will take some time and is bound to take some time. We must consider the persons available in the locality and eligible for the appointment. So, in 1101 if we have to select a man, that selection has to be made not in 1099 or in 1100 but say two months before the vacancy occurs. Therefore it is likely, sometimes, that some mischance of this kind occurs. It is not the

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intention of Government to delay the matter indefinitely. Neither do the Government want to shirk their responsibilities in the matter of filling up of vacancies. It so happens that when a particular nominee is suggested his appointment has to be scrutinised. All these will take up time.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): How is this done at Madras? Is not the same difficulty felt, by the Madras Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got the Madras Act just now. I doubt very much whether there is a provision there that judges will continue only for two years. Their village court system is different I think.

I hope the House will consider that it is not with a view to allow premium to delays or laziness on the part of Government, but it is to provide against some unfortunate contingencies in the interest of the public and the administration of justice, that a measure of this kind is proposed to be passed.

PRESIDENT: Then I think votes could be taken.

MR. T. C. KESAVA PILLAI (*Kalkulam* cum *Vilavankod*): To ascertain the sense of the House—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He has no right to speak. Mr. Asan is only opposing and not moving any amendment.

PRESIDENT: Those who are for the motion, please raise their hands.

On counting it was found there was 27 *for* and 13 *against*.

MR. K. P. NILAKANTA PILLAI (*Chirayinkil*): I demand a poll in view of the fact that we have a non-official majority.

A poll was taken with the following result.

AYES—27.

1. Mr. L. A. Bishop.
2. ,, I. C. Chacko.
3. ,, V. Chellam Pillai.
4. ,, R. Dhanukoti Pillai.
5. ,, K. George.
6. ,, P. Gomatinayakam Pillai.
7. ,, D. Francis.
8. ,, A. G. Menon
9. ,, D. C. Joseph
10. ,, K. C. Karunakaran
11. ,, K. N. Kesavan Namputiripad
12. Rao Bahadur K. A. Krishna Aiyangar.
13. Mr. P. N. Krishna Pillai.
14. Rao Sahib Dr. N. Kunjan Pillai.
15. Mr. T. K. Madhavan Nayar.
16. ,, P. S. Mahomed.
17. ,, Matthew Murikkan.
18. ,, E. G. McAlpine.
19. ,, G. P. Nilakanta Pillai.
20. ,, R Nilakanta Pillai.
21. ,, Kayalam Paramesvaran Pillai.
22. ,, K. G. Paramesvaran Pillai.
23. ,, S. Piraviperumal Pillai.
24. Dr. K. Raman Tampi.
25. Mr. S. C. H. Robinson
26. ,, R. Vaidyalingom Pillai.
27. ,, J. S. Westerdale.

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NOES 13.

1. Mr. A. S. Damodaran Asan
2. Mrs. Elizabeth Kuruvila.
3. Mr. R. Kesava Pillai.
4. ,, T. C. Kesava Pillai
5. ,, N. K. Krishna Pillai.
6. ,, K. Madhavan Pillai.
7. ,, H. B. Mahomed Rowther.
8. ,, K. P. Nilakanta Pillai
9. Mr. Muruvelil Pachu Pillai
10. ,, L. R. Raja Raja Varma Koil Tampuran.
11. ,, R. Raman Pillai.
12. ,, Revati Nal Rama Varma Raja.
13. ,, A. Thanu Pillai

NEUTRALS 5.

1. Mr. Ittoop Itteechan
2. ,, Tamarapallil Kochu Tomman
3. Mr. V. S. Krishna Pillai
4. ,, A. C. Kuriakose.
5. ,, K. Padmanabha Panikkar.

The motion was declared carried.

PRESIDENT: We will pass on to the next item.

THE TRAVANCORE FOOD ADULTERATION BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to present the Report of the Select Committee on the Travancore Food Adulteration Bill and beg to move that the Bill as reported by the Committee be taken up for consideration.

MR. T. K. MADHAVAN NAYAR (*Ag. Secretary to Government*): I second it.

PRESIDENT: The Bill has to be taken up Clause by Clause. The preamble and the title of the Bill may be considered after all the Clauses are dealt with. I see so far as the first Clause is concerned there are no amendments. The question is that Clause 1 of the Bill do stand part of the Bill.

The motion was carried.

Clause 2.

MR. R. KESAVA PILLAI (*Kottarakara cum Kunnattur*): I move the following motion.

Delete the definition of "Local Food Inspector" as revised by the Select Committee and substitute the following definition in the original Bill.

In the original Bill it reads thus :

" Local Food Inspector means any person appointed by Our Government or under Rules made by Our Government to exercise the functions of a local Food Inspector under this Regulation for any local area."

In the Bill as revised by the Select Committee the definition is this. "The local Food Inspector means, any officer not below the rank of a Taluk Tahsildar appointed by Our Government or under Rules made by Our Government to exercise the functions of a local Food Inspector under this Regulation for any local area ".

If the definition as accepted by the Select Committee is enacted, it would bring practical difficulties in the application of this Regulation. According to the definition as revised by the Select Committee, an officer

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